

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BEIRNE WEALTH CONSULTING
SERVICES, LLC,

Plaintiff/
Counterclaim Defendant,

– *against* –

CHRISTOPHER ENGLEBERT,
JAMIE ENGLEBERT, *and*
ENGLEBERT FINANCIAL ADVISERS, LLC,

Defendants/
Counterclaim Plaintiffs/
Third-Party Plaintiffs,

– *against* –

JOHN-OLIVER BEIRNE
and ELIZABETH GARNTO,

Third-Party Defendants.

ORDER

19 Civ. 7936 (ER)

RAMOS, D.J.:

The Court is in receipt of the parties' communications regarding the Preliminary Injunction issued on January 30, 2020. Docs. 70, 72, 73.

First, the Engleberts ask whether accepting a client who requested to transfer from Beirne to the Engleberts' firm before the issuance of the Preliminary Injunction but who had not yet actually transferred at that time would violate the Preliminary Injunction. The Court answers in the affirmative. The Engleberts are ENJOINED from accepting any client in the position described in paragraph 1 of their January 31, 2020 letter, Doc. 70.

Second, the Engleberts ask whether the term "prospective clients" in the Preliminary Injunction means "prospects." Beirne, in its letter response, indicates that it does not seek to enjoin the Engleberts from "soliciting or serving clients who were not clients of Beirne, regardless of whether Beirne had attempted to solicit those clients'

business previously. Accordingly, the Court will MODIFY its preliminary injunction to the following, by striking the term “prospective”:

It is ORDERED that Christopher Englebert and Jamie Englebert are enjoined from soliciting, marketing to, or accepting former or current Beirne Wealth Consulting Services, LLC clients.

Third, the Engleberts seek leave to file a motion for declaratory judgment and modification of the Preliminary Injunction. That request is GRANTED. The Engleberts are directed to make a motion of no more than ten pages by February 28, 2020. Beirne may file any opposition of no more than ten pages by March 13, 2020. The Engleberts may file their reply of no more than five pages by March 20, 2020.

It is SO ORDERED.

Dated: February 13, 2020
New York, New York



EDGARDO RAMOS, U.S.D.J.